IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 24135 of 2007(W)

PETITIONER:

1. L.KUNJUKUNJU, PROPRIETOR,
   PREMIER CASHEW INDUTRIES, VILAKUDY P.O.,
   KUNNICODU, KOLLAM- 691 508.

2. BINI SAJI,
   (PROPRIETRIX, NOEL CASHEW COMPANY),
   LESSEE OF PREMIER CASHEW INDUSTRIES, PANAMPATTA,
   AVANEESWARAM.

BY ADV. SRI.A.V.XAVIER
SRI.K.JOLLY JOHN
SMT.THUSHARA JAMES
SRI.JIMMY GEORGE

RESPONDENTS:

1. REGIONAL PROVIDENT FUND COMMISSIONER,
   EMPLOYEES PROVIDENT FUND ORGANISATION,
   REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN,
   PATTOM, TRIVANDRUM- 695 004.

2. THE ASST.PROVIDENT FUND COMMISSIONER,
   EMPLOYEES PROVIDENT FUND ORGANISATION,
   REGIONAL OFFICE,BHAVISHYANIDHI BHAVAN,
   PATTOM, TRIVANDRUM- 695 004.

BY SMT.T.N.GIRIJA, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.24135 of 2007

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Dated this the 8th day of August, 2007

J U D G M E N T

The petitioners filed a review application under Section 7B of the Employees' Provident Funds and Miscellaneous Provisions Act ("the Act" for short) against Ext.P3 order passed under section 7A of the Act. The same has been dismissed by Ext.P5. The complaint of the petitioners is that Ext.P5 order has been passed without affording an opportunity of being heard to the petitioners.

2. I have heard the learned Standing Counsel appearing for the Provident Fund Organization also.

3. On a reading of Ext.P5 it is abundantly clear that no hearing was granted to the petitioners. This is not disputed before me also. Whatever be the merits of the case, since the petitioners have a statutory right to file an application under Section 7B of the Act, the same cannot be disposed of without

affording an opportunity of being heard to the petitioners. That being so, Ext.P5 is clearly unsustainable. Accordingly, the same is quashed. The 2nd respondent shall now pass fresh orders on Ext.P4 after affording an opportunity of being heard to the petitioners. Till fresh orders are passed, Ext.P3 shall not be enforced.

The writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.